

Notice of Allowability

Application No.

10/040,373

Examiner

David Silver

Applicant(s)

BRAZHNİK ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/20/07.
2. ☒ The allowed claim(s) is/are 1-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


FRED FERRIS
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. Claims 1-28 were originally presented for Examination.
2. The Instant Office Action is in response to amendment filed 6/20/2007.
3. Claims 1-38 are currently pending in the Instant Application.

Allowable Subject Matter

4. Claims 1-38 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The art of record, individually or in combination, fails to suggest or render obvious the specific arrangement of the claimed invention as recited in the claims and disclosed in the Specification. The most relevant prior-art of record are Porumbescu (**US 6582366**), Brown et al's "The global diabetes model: user friendly version 3.0", Lehmann's "Focus on Interactive Educational Diabetes Simulators: Future possibilities" all of which have been previously submitted in a PTO-892 and the applicability of which has been established in previous Office Actions.

- 5.1 As per independent claims 1, 7, 10, 16, 20, 24 and their respective dependent claims, the most relevant prior-art however do not expressly disclose "a representation of fat metabolism comprises a representation of at least one biological process selected from the group consisting of regulation of adipose tissue uptake of free fatty acid, regulation of adipose tissue lipolysis, regulation of adipose tissue triglyceride esterification, hepatic lipoprotein regulation, muscle free fatty acid uptake, and muscle free fatty acid utilization; and a representation of protein metabolism comprises a representation of at least one biological process selected from the group consisting of production of amino acids from carbohydrate in muscle, hepatic gluconeogenesis from amino acid substrate, oxidation of amino acids in muscle, oxidation of amino acids in liver; and regulation of skeletal muscle protein turnover in response to a stimulus selected from activity, exercise, fat mass, dietary composition, and insulin; producing a simulated biological attribute associated with at least one biological attribute of diabetes based on the combined plurality of biological processes" (emphasis added).

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5.2 As per independent claims 25 and 27 and their respective dependent claims, the most relevant prior-art however do not expressly disclose "combining the plurality of biological processes to form a simulation of at least one biological attribute of diabetes, wherein the simulation comprises a representation of fat metabolism, wherein the representation of fat metabolism comprises a representation of at least one biological process selected from the group consisting of regulation of adipose tissue uptake of free fatty acid, regulation of adipose tissue lipolysis, regulation of adipose tissue triglyceride esterification, hepatic lipoprotein regulation, muscle free fatty acid uptake, and muscle free fatty acid utilization; producing a simulated biological attribute associated with at least one biological attribute of diabetes based on the combined plurality of biological processes" (emphasis added).

5.3 As per independent claims 26 and 28 and their respective dependent claims, the most relevant prior-art however do not expressly disclose "simulation of at least one biological attribute of diabetes, wherein the simulation comprises a representation of protein metabolism, wherein the representation of protein metabolism comprises a representation of at least one biological process selected from the group consisting of production of amino acids from carbohydrate in muscle, hepatic gluconeogenesis from amino acid substrate, oxidation of amino acids in muscle, oxidation of amino acids in liver, and regulation of skeletal muscle protein turnover in response to a stimulus selected from activity, exercise, fat mass, dietary composition, and insulin"

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. All claims allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Silver whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Friday, 10am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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